

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CRAIG M. WALKER, On Behalf of the 401k Plan,
Himself and All Others Similarly Situated,

Plaintiff,

- vs. -

MERRILL LYNCH & CO. INC., BANK OF AMERICA
CORPORATION,

Defendants.
----- X

No. 1:15-cv-01959 (PGG)

**NOTICE OF DEFENDANTS' MOTION TO DISMISS
OR, IN THE ALTERNATIVE, TO STRIKE CLASS ALLEGATIONS**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law and the Declaration of Andrew W. Stern, Defendants Bank of America Corporation and Merrill Lynch & Co., Inc. will move this Court, before the Honorable Paul Gardephe, United States District Judge, at the United States Courthouse for the Southern District of New York, 40 Foley Square, New York, New York 10007, at a time to be determined by the Court, for an Order, pursuant to Federal Rule of Civil Procedure 12(b)(6), dismissing the claims against Defendants with prejudice, or, in the alternative, striking the class allegations pursuant to Federal Rule of Civil Procedure 23(d)(1)(D), and awarding any other appropriate relief.

Dated: New York, New York
May 20, 2015

Respectfully submitted,

SIDLEY AUSTIN LLP

By: /s/ Andrew W. Stern

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*Attorneys for Defendants Bank of America
Corporation and Merrill Lynch & Co., Inc.*